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RUEHBS/AMEMBASSY BRUSSELS 0255
RUEHJB/AMEMBASSY BUJUMBURA 0346
RUEHEG/AMEMBASSY CAIRO 0035
RUEHDR/AMEMBASSY DAR ES SALAAM 1161
RUEHKM/AMEMBASSY KAMPALA 1930
RUEHKI/AMEMBASSY KINSHASA 0481
RUEHLO/AMEMBASSY LONDON 0261
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C O N F I D E N T I A L KIGALI 000456

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SUBJECT: AU SUMMIT SUPPORTS RWANDA ON UNIVERSAL JURISDICTION - NEXT VENUE THE UN

REF: KIGALI 450

Classified By: Ambassador Michael Arietti for Reason 1.4 (b) (d)

¶1. (SBU) Rwanda continues its campaign against French and Spanish indictments of senior Government of Rwanda (GOR) officials. At the recent AU Summit in Egypt, the Assembly endorsed a "Report of the Commission on the Abuse of the Principle of Universal Jurisdiction." The report noted the "political nature and abuse" of universal jurisdiction by some non-African states against African states and leaders, "particularly Rwanda," and called such abuse "a clear violation of their sovereignty and territorial integrity." The Report stipulates that warrants from such abusive action "shall not be executed" by AU member states, and calls for an international regulatory body to review complaints and appeals. The report further calls for the AU Chair to bring the matter before the UN Security Council and General Assembly, as well as the European Union, and calls upon EU states to "impose a moratorium" on execution of warrants.

¶2. (SBU) In comments to local press upon his return from the Summit, Justice Minister Tharcisse Karukagarama said that Rwanda had the right to "defend herself" against "anarchical allegations," and he approvingly quoted from the AU Report noted above. He also criticized the French government for its unwillingness to see the Bruguiere indictments adjudicated before the International Court of Justice (France must apparently submit voluntarily to the ICJ's jurisdiction and has so far declined to do so).

¶3. (C) The Report endorsed by the AU Assembly tracks with comments made to us by Foreign Minister Rosemary Museminali in mid-June, in which she indicated that the GOR would continue to pursue condemnations of the French and Spanish indictments at various international fora. Several local officials have also floated the idea recently of indictments by the Rwandan government of French officials for their alleged involvement in the 1994 genocide -- a form of universal jurisdiction tit-for-tat.

¶4. (C) Comment. As discussed by a Human Rights Watch researcher at the recent justice sector conference in Kigali (reftel), the French indictments are actually not a classic exercise in universal jurisdiction, where a nation's courts assert jurisdiction over matters that bear no connection to

that nation or its citizens -- the case was brought by family members of the French crew who died when President Habyarimana's plane was shot down in April of 1994, touching off the genocide. The Spanish indictments are a mixture of national and universal jurisdiction. This legal distinction, however, is not emphasized by the GOR in its campaign to seek international action to suspend or quash the indictments.
End comment.

ARIETTI